IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.22790 of 2004

Between:

1 Kalava Gunta Gangadhar, S/o Subba Rao, Hindu,
R/o Eluru Road, Sathupalli,Khammam District.
2 Suri Setti Papa Rao, S/o Venkateswara Rao,
R/o Eluru Road, Sathupalli,Khammam District.

..... PETITIONERS

AND

1 The District Collector, Khammam District, Khammam.
2 The Mandal Revenue Officer, Sathupalli Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more one in the nature of Writ of Mandamus to declare the illegal acts of the respondents by evicting the petitioners from their respective lands in Sy.No. 76 of Sathupalli Village and Mandal, Khammam district in an extent of Ac. 0.03 guntas each by demolishing the petitioners structures and damaging the Standing Crop without issuing any notice or initiating any proceedings and without following due process of law as illegal, arbitrary and against the principles of natural justice.

Counsel for the Petitioners: MR.KILARUKHADER BABA

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

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ORDER:

The petitioners claim to have occupied the Government land admeasuring 0.03 Guntas each situated in Survey No.76 of Sathupally Revenue village and Mandal, Khammam District about 12 years back. It is stated that the petitioners have developed the said lands by removing bushes and trees and made it fit for cultivation by spending huge amounts and raising paddy crops therein. It is further stated that they have also made pucca residential houses in some portion of the said lands about one year back. The grievance of the petitioners is that the respondents, without issuing any notice and without following due process of law, are trying to dispossess them from the lands in question by demolishing the structures and damaging the standing paddy crops. Hence, they filed the present writ petition.

Heard the learned counsel for petitioners and learned Government Pleader for Revenue.

Learned Government Pleader for Revenue, on instructions, submitted that the land in Survey No.76 of Sathupally village admeasuring Ac.10.10 Guntas is Government land and out of the said extent the Government allotted about Ac.3.50 cents for burial ground, and that the petitioners with intent to grab the Government land filed the present writ petition with all false allegations.

Admittedly, the lands in question belong to the Government and that the petitioners, without having any right, have occupied the same. Without there being any right over the lands in question, when the petitioners admittedly occupied the same and made pucca constructions therein, it is for the respondents Government to remove the same. In that view of the matter, I see no reason to interfere into the matter and pass any orders in exercise of its jurisdiction under Article 226 of the Constitution of India.

The writ petition is misconceived and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed at the admission stage. No costs.

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N. V. RAMANA, J.

Date: 20.01.2005

Nsr

..... REGISTRAR

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SECTION OFFICER

To

1 The District Collector, Khammam District, Khammam.
2 The Mandal Revenue Officer, Sathupalli Mandal, Khammam District.

3 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

4 2 CD copies

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